

SERVICE DATE – MARCH 30, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-103 (Sub-No. 18X)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN WINN PARISH, LA

Decided: March 29, 2006

The Kansas City Southern Railway Company (KCSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.16-mile line of railroad extending from milepost 144.64 to milepost 147.80, located near Winnfield, in Winn Parish, LA. Notice of the exemption was served and published in the Federal Register on September 2, 2005 (70 FR 52483-84). The exemption became effective on October 4, 2005.

By decision and notice of interim trail use or abandonment (NITU), served on October 3, 2005, the proceeding was reopened and a 180-day period was authorized for L&A Trail, Inc. (L&A), to negotiate an interim trail use/rail banking agreement with KCSR for the right-of-way in this proceeding.¹ The negotiating period under the NITU is scheduled to expire on April 1, 2006.

On March 24, 2006, L&A filed a request to extend the NITU negotiating period for an additional 180 days. L&A states that, despite good faith negotiations, the parties have not yet concluded an agreement. In a response filed on March 24, 2006, KCSR states that it agrees with L&A's request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.² An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from April 1, 2006 (until September 28, 2006).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The October 3, 2005 decision and notice also imposed several environmental conditions, which remain in effect.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to September 28, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary